

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE YASMIN AND YAZ
(DROSPIRENONE) MARKETING,
SALES PRACTICES AND RELEVANT
PRODUCTS LIABILITY LITIGATION**

This Document Applies To All Actions

X : 3:09-md-02100-DRH-PMF
: : MDL No. 2100
: :
: : Hon. David R. Herndon
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X

**CASE MANAGEMENT ORDER NO. 19
(Notice of Records Collection)**

This Order supplements and amends the provisions of Section F of Case Management Order No. 12 to specify the means by which defendants may provide notice to plaintiffs of records collected utilizing authorizations provided by plaintiffs, and the mechanism for providing copies of such records and payment for such copies.

1. Plaintiffs' counsel shall have the opportunity to receive notice, and to review and obtain copies of records collected by the defense by establishing one or more "*User Accounts*," by the means specified below, with the Record Copy Service Vendor retained by Bayer, Litigation Management, Inc. ("LMI").

2. Upon establishment of a *User Account*, the authorized user will receive E-mail alerts on each date that new records for a plaintiff

associated with that account are posted to the LMI on-line repository for plaintiffs' access. Defendants shall ensure that LMI posts such records reasonably promptly after receipt of the records, and generally within 72 hours of receipt. Defendants shall ensure that LMI has each page of any record retrieved labeled "Confidential – Subject to Protective Order." The E-mail alert will identify the Plaintiff name, and the name of the provider from whom the records were obtained, and the number of pages of records. The records may be reviewed and downloaded by accessing the *User Account*.

3. Establishment of LMI User Accounts. Plaintiffs' counsel may establish *User Accounts* by contacting LMI at recordrepository@lmi-med.com. Plaintiffs' counsel will be required to provide:

a. A list of the name(s) and E-mail address(es) of each individual in Plaintiff counsel's firm who will need access to the Record Repository, so that a separate *User Account* can be established, and a username and password can be generated and communicated, for each individual person for whom authorized access is requested;

b. A listing of the Plaintiffs for which Plaintiffs' counsel is attorney of record that each *User Account* will need to access, including last name, first name, docket number, case caption, and jurisdiction. If a Plaintiff is representing an estate, the decedent as well as the estate administrator/representative must be identified. If the Plaintiff has a common name, an additional identifier may be requested to ensure access is granted to the

requested, and only the requested Plaintiff. This list must be updated by Plaintiffs' counsel with LMI during the first week of each month with respect to any cases newly filed during the prior month;

- c. The name and E-mail address of Plaintiff counsel's primary contact person for interactions with LMI; and,
- d. The name and E-mail address of the person to whom receipts for credit card charges should be directed.

4 User Account Fees

- a. Plaintiffs' counsel may establish one (1) *User Account* with LMI without payment of a set-up fee.
- b. Each additional *User Account* established by Plaintiffs' counsel will require payment of a one-time set-up fee of \$125.00 per user account.
- c. With respect to any additional User Account established under subsection (b), above, (i) if the account holder has not purchased ten (10) records during the first year that a User Account has been established, a maintenance fee of Two Hundred Fifty (\$250.00) will be assessed at the end of the first year; (ii) if the account holder has not purchased ten (10) records by the end of the second year that a User Account has been established, another maintenance fee of Two Hundred Fifty (\$250.00) will be assessed at the end of the second year, and the User Account may be closed; (iii) **if the account**

holder wishes to reactive the account, a fee of \$125.00 USD will be assessed and the annual usage and fees outlined above will apply.

d. A fee of Thirty Dollars (\$30.00) per record/per Plaintiff for each record reviewed and downloaded by each *User Account* will be assessed.

e. No charge is associated with reviewing “No Record Statements” from providers who responded that they have no records relating to the Plaintiff/subject.

5. In connection with each *User Account*:

a. The authorized user must indicate their agreement to LMI’s “Terms of Use,” a copy of which is attached hereto as Exhibit A, upon accessing the account;

b. An executed copy of the credit card form attached hereto as Exhibit B must be provided, which authorizes all charges associated with that *User Account* to be billed to that credit card account; and,

6. The fees provided for by this section shall not increase during the course of this litigation without an Order of the Court.

IT IS SO ORDERED.

Dated: June 10, 2010

/s/ David R. Herndon

**Honorable David R. Herndon
Chief Judge, United States District Court**